

## REMARKS

In the Office Action mailed November 2, 2005, the Examiner noted that claims 1-12 were pending, and rejected claims 1-12. Claim 8 has been amended, and, thus, in view of the forgoing claims 1-12 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Action on page 11, the Examiner rejected claim 8 under 35 USC 101. Claim 8 has been amended and withdrawal of the rejection is requested.

Pages 11, 17, 22, 24, 29 and 34 of the Office Action reject claims 1-5 under 35 U.S.C. § 103 over Nishino, Otsu and Cheng, page 41 rejects claim 6 under 35 U.S.C. § 103 over Otsu, Miller and Cheng, pages 46 and 51 reject claims 7 and 8 under 35 U.S.C. § 103 over Nishino, Otsu and Cheng, page 56 rejects claim under 35 U.S.C. § 103 over Nishino, Nogase and Cheng, page 62 rejects claim 10 under 35 U.S.C. § 103 over Nishino, Otsu and Cheng and pages 68 and 69 reject claims 11 and 12 under 35 U.S.C. § 103 over Cheng and Nishino..

In the present invention, the calculation of source current values using a first set of simultaneous equations and the storing of these current values as constants, allows the current values for the object (and its receiving characteristics) using a second set of simultaneous equations to be separated and calculated separately (independently). This allows the present invention to calculate the object characteristics more quickly because the interaction between the sets of equations is not considered. The calculations for the source do not interact with the calculations of the receiving object. That is, the storage of the calculated source current values as constants is important to the speed of calculation benefits of invention.

It appears that the Examiner, on page 15 in paragraph 12.14 of the Action, is insisting that Cheng teaches that the current values from the source calculations are stored as constants. The Examiner points to page 633 of Cheng (apparently lines 3-6) where Cheng notes that coupling impedances between antennas are negligible when the antennas are separated by large distances. The Examiner then asserts (Action, page 15, 12.14, lines 5-7) that this means that the calculations can be separate and that the values can be regarded as constants. However, the Examiner is ignoring Cheng, page 633, lines 14-66 where Cheng states that the coupling cannot be ignored:

The coupling *from* the transmitting antenna to the receiving antenna, however, cannot be neglected inasmuch as it is through this coupling that the latter extracts energy from the electromagnetic wave originated from the former.  
(See Cheng, page 633, lines 14-66.)

That is, Cheng contradicts the Examiners position and, thus, teaches away from the present invention. The Examiner is using hindsight from the teachings of the invention and/or personal knowledge to interpret Cheng.

The fact that the prior art teaches away from an invention is evidence that the invention is not obvious (see Akzo v. USITC, 808 F.2d 1471, 1 USPQ2d 1241 (Fed.Cir.1986) and In re Graselli, 713 F.2d 731, 218 USPQ 769 (Fed.Cir.1983)). Hindsight cannot be used in determining the issue of obviousness and the reviewer must view the prior art without reading into that art the teachings of the application or patent (see Kalman v. Kimberly Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed.Cir.1983)). The personal knowledge of the Examiner when used as a basis for a rejection must be supported by an affidavit as to the specifics of the facts of that knowledge when called for by applicant (see 37 C.F.R. 1.104(d)(2)).

The Examiner is requested to set forth the motivation in the prior art or provide an affidavit in support of the interpretation of Cheng that is in contravention to Cheng's own teachings.

Nishino, Otsu, Miller and Nogase add nothing to Cheng with respect to the feature discussed above.

For these reasons, it is requested that the rejection be withdrawn.

As a part of the basis for the rejection and as a reply to previously presented arguments, on pages 3 and 4 of the Action, the Examiner asserts that that the coupling impedance between the antennas changes and then asserts that the current in the receiving antenna would thus change. The Examiner appears to be arguing that the currents that represent the source currents change and cannot be represented as constants. In this discussion the Examiner appears to be acknowledging that Chang teaches changing currents not constants and appears to be contradicting the Examiners position noted above. This acknowledgement by the Examiner is further support that the interpretation of the teachings of Cheng teach away from the present invention.

Once again Nishino, Otsu, Miller and Nogase add nothing to Cheng with respect to the feature discussed above.

For these additional reasons, it is requested that the rejection be withdrawn.

In the Action on page 15 in paragraph 12.14 the Examiner relies on equation 11-104 of Cheng for asserting that the currents can be a constant and the equations can be separated (processed separately). This equation includes the impedance  $Z_{21}$ . However, on page 3 in

paragraph 3.2 of the Action, the Examiner asserts that  $Z_{21}$  is a coupling impedance coupling between the antennas. If  $Z_{21}$  is a coupling impedance, this indicates that equation 11-104 will not allow the simultaneous equations to be separated because they are coupled by the coupling impedance. As a result, because there can be no uncoupling or separation, this portion of Cheng contradicts the Examiner's position and teaches away from the separating called for in the relevant claims of this application.

Again Nishino, Otsu, Miller and Nogase add nothing to Cheng with respect to the feature discussed above.

For these further reasons, it is requested that the rejection be withdrawn.

Cheng uses a terminal pair model (figure 11-18) where there is a clear coupling. That is, as stated on page 634 of Cheng the "absorbed power is proportional to the transfer impedance." This again shows that Cheng teaches that the transfer impedance between the source and the object cannot be neglected. That is, according to Cheng the source currents cannot be considered constants and the equations cannot be separated as in the relevant claims.

Once again Nishino, Otsu, Miller and Nogase add nothing to Cheng with respect to the feature discussed above.

As noted above, it appears that the prior art does not teach the invention as currently claimed.

It is submitted that the invention of independent claims distinguishes over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 4 calls for making a determination as to whether a calculation method in which the current values of the generation source are regarded as constants can be used. The prior art does not teach or suggest such a determination. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101. It is also submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

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If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

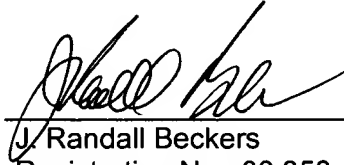
Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

2/2/6

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